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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

Outgoing  
C0250005  
#4039  
K

March 28, 2012

Kirk Nicholes, Resident Agent  
Alton Coal Development, LLC  
463 North 100 West, Suite 1  
Cedar City, Utah 84720

Subject: Addendum to Appendices 3-5 & 3-6, Task ID #4039, Alton Coal Development, LLC,  
Coal Hollow Mine, C/025/0005

Dear Mr. Nicholes:

The Division has reviewed your response to the deficiencies outlined in our earlier review of the Addendum to Appendix 3-5, Task 4000. The Division has determined that many previously noted deficiencies remain which must be addressed before the requirements of the R645 Coal Mining Rules have been met, and an approval can be granted. Those deficiencies are listed as an attachment to this letter, with the reviewer's comments in italics. The review was conducted by Joe Helfrich. Feel free to contact him (801) 538-5290 or me (801) 538-5325 should any questions arise concerning the preparation of the Addendum to Appendix 3-5.

The plans as submitted are denied. Please resubmit the entire application using a red line strike out format of the original 2/28/2012 submittal, so that the response to each of the Divisions deficiencies can be easily noted. In addition, please indicate whether Appendix 3-6 is part of the annual report for the mine, if so, it should be separate from the MRP and submitted with the annual report for the Coal Hollow Mine. Any information in Appendix 3-6 that is germane to the deficiencies noted in this correspondence should also be included in your response to those deficiencies.

Sincerely,

Daron R. Haddock  
Coal Program Manager

DRH/PWB/sqs  
Attachment  
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**Deficiency List**  
**Task No. 4039**  
**Addendum to Appendices 3-5 & 3-6**

**R645-301-120**, any responses by the permittee should be presented in a red line strike out format of the original 02/28/2012 submittal that includes a response to each of the Divisions deficiencies. If appendix 3-6 is the annual report for the mine, it should be a standalone document separate from the MRP. Information in appendix 3-6 that is germane to the deficiencies noted in the addendum to Appendix 3-5 should also be included in the permittee's response to those deficiencies. [JCH]

**R645-301-322, -301-333, -301-342, -301-358**, Page 3, the last paragraph the permittee needs to elaborate on how the objectives will be accomplished. *The Division cannot determine where in the application this deficiency has been addressed; the current application should include a redline strikeout format and page numbers that correspond to the Divisions review of the previous submittal.* [JCH]

Page 4, the information in table 2 needs to be mapped, analyzed and summarized with conclusions and recommendations. The table and data generated from future observations should include approximate and or actual GPS coordinates and a category for identifying the birds, (male female, juvenile). *The information has been mapped. The map should be labeled, (Drawing 3-8), to correspond with the other drawings in chapter 3 of the MRP. The text should include analysis, summarization, conclusions and recommendations. Table 2 should be revised to include approximate and or actual GPS coordinates and a category for identifying the birds, (male female, juvenile).* [JCH]

Page 7, the reference to Carl Heaton in paragraph 4 should be figure 1. *The Division can not determine where in the application this deficiency has been addressed; the current application should include a redline strikeout format and page numbers that correspond to the Divisions review of the previous submittal.* [JCH]

In order to meet the goals outlined on page three of the current appendix 3-5 the permittee should revise page 13 of the addendum to appendix 3-5 to include the following information:

Habitat Restoration, *The application includes information under the assumed heading, (Habitat Improvement and Mitigation), the permittee needs to verify that this is the same as, (Habitat Restoration).* [JCH]

A map to appropriate scale, 1:24000 or larger, which clearly delineates the following:  
The acreage of the vegetation treatment areas that have been completed within the corridor,  
The acreage of the conservation area for the sage-grouse that will not be mined,  
The acreage of the juniper removal area,  
A summary of the acreages for these areas,  
*Acreages appear to be included in Appendix 3-6, (the annual report information). This information needs to also be included in appendix 3-5.* [JCH]

A map to appropriate scale, 1:24000 or larger, which clearly delineates proposed vegetation treatment areas for 2012. *The current application should include a map to appropriate scale, 1:24000 or larger, which clearly delineates proposed vegetation treatment areas for 2012 and or subsequent years up to five based on the current proposal. [JCH]*

*The acres of mitigation completed to date need to be field verified. Funding habitat restoration through DWR is acceptable. However the application needs to include text that clearly describes the locations, methodologies, treatments, estimated # of acres treated per year, monitoring, time frames for completion, right of entry if needed, etc. [JCH]*

*ACD has proposed to provide 45,000.00 to DWR over a five year period ACD should schedule a site visit with, the Division, DWR and interested biologists, (Renee Chi, Amy Defreese, Lisa Church) to determine which areas would be most beneficial to the sage grouse for habitat and connectivity improvement.*

Monitoring,

A complete data set from Dr. Frey's monitoring efforts,

*The application includes a reference to the data being obtained by Rhett Boswell, (Cedar City DWR Habitat Biologist). That data needs to be included in the appropriate version of appendix 3-5 before the Division can approve the amendment. [JCH]*

A plan and survey protocol for vegetation and wildlife for the current and future habitat restoration areas,

*The permittee needs to address this deficiency. [JCH]*

A plan, maps and survey protocol for the four aerial, (March 5, March 28, April 11 and April 25), and ground surveys, (lekking, brood rearing, wintering), minimum for sage grouse and presence of other wildlife species should be noted, *The permittee has stated in the current submittal that "Through a collaborative effort with ACD and UDWR, a sage grouse ground based monitoring program will be designed and implemented....." The design and implementation need to be clearly spelled out in the application including but not limited to:*

*A plan, (detailed narrative in the text), that clearly describes each survey method, (aerial and ground),*

*Individual maps to appropriate scale that clearly delineate the location of each area to be surveyed for both the ground and aerial surveys and, Survey protocol for the four aerial, (March 15, March 28, April 11 and April 25), and ground surveys, (lekking, brood rearing, wintering), minimum for sage grouse and presence of other wildlife species should be noted. [JCH]*

A detailed plan for using decoys to shift breeding activities to alternate lek sites in Sink Valley, *Shift in Breeding Behavior using Decoys*

*The application should include:*

*A map (to appropriate scale, 1:24000 or larger), that shows the locations, (Sink Valley, Skutumpah Terrace and Fords Pasture) where the decoys will be placed to attract the birds. [JCH]*

A copy of the invoice and receipt of payment from the Division of wildlife services for predator control for 2012 and a commitment in the revised appendix noting the time frame for future predator control and a yearly assessment of the effectiveness of the program,

*The invoice and contract are for 2011, the application needs to include the following information:*

*A copy of the invoice and receipt of payment from the Division of wildlife services for predator control for 2012 and a commitment in the revised appendix noting the time frame for future predator control and a yearly assessment of the effectiveness of the program. Details of the predator control for 2012 need to be included in the application, consult with Teresa and Roger. [JCH]*

A revised employee awareness program that includes participation with DWR.

*The permittee needs to address this deficiency. [JCH]*